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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CHARLES SMITH,

Petitioner,

vs.

WILLIAM HUTCHINGS *et al.*,

Respondents.

Case No. 2:20-cv-01781-RFB-VCF

**UNOPPOSED MOTION FOR  
ENLARGEMENT OF TIME TO FILE  
ANSWER (FIRST REQUEST)**

Respondents, by and through counsel, AARON D. FORD, Attorney General of the State of Nevada, and SHERYL SERREZE, Deputy Attorney General, hereby respectfully move this Court for an order granting a sixty (60) day enlargement of time, to and including Friday, July 8, 2022, in which to file and serve their response to the claims in Charles Smith's (Smith) amended federal habeas petition.

This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure as well as the attached declaration of counsel and all other papers, documents, records, pleadings, and other materials on file herein. There have been no prior enlargements of Respondents' time to file said answer, and appointed counsel for the petitioner has indicated there is no objection to the request. This motion is made in good faith and not for the purposes of delay.

RESPECTFULLY SUBMITTED this 4th day of May, 2022.

AARON D. FORD  
Attorney General

By: /s/ Sheryl Serreze  
SHERYL SERREZE (Bar No. 12864)  
Deputy Attorney General

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DECLARATION OF COUNSEL

I, SHERYL SERREZE, hereby state, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am a Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Bureau of Criminal Justice, Post-Conviction Division, and I make this declaration on behalf of Respondents' motion for enlargement of time.

2. On or about September 21, 2020, Smith mailed, or handed to a prison official for the purpose of mailing, his original *pro se* federal petition for writ of habeas corpus. ECF No. 1-1 at 31.

3. On March 10, 2022, a counseled amended petition was filed. ECF No. 23.4.

4. The response to the amended petition is due on May 9, 2022. ECF No. 20.

5. Although the documents necessary to assemble the index were promptly ordered from the Eighth Judicial District Court Clerk's Office, additional documents were only recently identified and ordered, requiring additional time for the index to be assembled.

6. In addition, undersigned counsel has a previously scheduled vacation for last week of May and the first week of June, 2022, outside the country.

7. Accordingly, undersigned counsel respectfully requests an order granting a sixty (60) day enlargement of time, to and including Friday, July 8, 2022, in which to file and serve their response to the amended federal habeas petition.

8. On April 29, 2022, I contacted the Assistant Federal Public Defender assigned to this case, Jonathan Kirshbaum, regarding this request for an extension of time. As a matter of professional courtesy, Mr. Kirshbaum had no objection to the request. This lack of objection should not be considered as a waiver of any procedural defenses or statute of limitations challenges or construed as agreeing with the accuracy of the representations in this motion.

9. This motion for enlargement of time is made in good faith and not for the purpose of unduly delaying the ultimate disposition of this case.

Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the foregoing is true and correct.


Dated: May 4, 2022

By: /s/ Sheryl Serreze  
SHERYL SERREZE (Bar No. 12864)

## ORDER

IT IS SO ORDERED.

Dated this 6th day of May, 2022.

  
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**RICHARD E. BOULWARE, II**  
**United States District Court**

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General and that on this 4th day of May, 2022, I served a copy of the foregoing **UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE ANSWER (FIRST REQUEST)**, by U.S. District Court CM/ECF electronic filing to:

Jonathan Kirshbaum  
Alicia R. Intriago  
Assistant Federal Public Defenders  
411 E Bonneville Ave.  
Las Vegas, Nevada 89101

/s/ Brittany J.